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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,262	12/20/2001	Shunpei Yamazaki	12732-086001	7645

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EXAMINER

HOGANS, DAVID L

ART UNIT PAPER NUMBER

2813

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,262

Applicant(s)

YAMAZAKI ET AL.

Examiner

David L. Hogans

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 21-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 77 and 78 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 8. 6) ☐ Other:

## DETAILED ACTION

### Elections/Restrictions

Examiner acknowledges Applicants election of Group I/Claims 1-20 without traverse per the August 20, 2002, communication.

Newly submitted claims 77 and 78 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These claims are the same as 21 and 29, respectively, which were originally not elected.

Accordingly, claims 77 and 78 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,726,461 to Shimada et al. in view of 4,033,833 to Bestel et al.

#### Claim 1

Shimada et al. teaches a plurality of pixels arranged in a matrix, each with a switching element and a light emitting element and a plurality of source signal lines for

Art Unit: 2813

supplying a data signal to the pixel electrodes via the switching elements. (See column 4 lines 5-17)

Shimada et al. fails to explicitly teach wherein at least one source signal line is comprised by a conductor with a conductive coating.

However, Bestel et al., in column 3 lines 14-22, teaches wherein any conductive area may be selectively coated with any plateable metal. Furthermore, Bestel et al. teaches that this method can be employed to selectively plate a line.

It would have been obvious to one of ordinary skill in the art to modify Shimada et al. in view of Bestel et al. teachings of any conductive area that may be selectively coated with any plateable metal. Shimada's et al. modification via Bestel's et al. teachings is obvious because this method can be employed to selectively plate a line.

## Claim 2

The method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Note that a "product by process" claim is directed to the product per se, no matter how actually made, *In re Hirao*, 190 USPQ 15 at 17 (footnote 3). See also *In re Brown*, 173 USPQ 685; *In re Luck*, 177 USPQ 523; *In re Fessmann*, 180 USPQ 324; *In re Avery*, 186 USPQ 161; *In re Wertheim*, 191 USPQ 90 (209 USPQ 554 does not deal with this

issue); In re Marosi et al, 218 USPQ 289; and particularly In re Thorpe, 227 USPQ 964, all of which make it clear that it is the patentability of the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that applicant has the burden of proof in such cases, as the above case law makes abundantly clear.

#### Claim 3

Incorporating all arguments of Claim 1 and noting that Bestel et al. teaches a conductive coating comprised by Cu or Ag. (See column 3 lines 15-22)

#### Claim 4

Incorporating all arguments of Claim 1 and noting that Shimada et al. teaches a signal line made from the same material as the gate electrode. (See column 7 lines 37-41)

#### Claim 5

Incorporating all arguments of Claim 1 and noting that Shimada et al. teaches wherein the switching elements are made from TFT's. (See column 4 lines 14-16)

#### Claim 6

Incorporating all arguments of Claim 1 and noting that Shimada et al teaches an active matrix with a plurality of pixels which could be incorporated in a electroluminescent device.

Claim 7

Shimada et al. teaches a plurality of pixels arranged in a matrix, each with a switching element and a light emitting element and a plurality of gate signal lines to electrically control the conduction state of the pixel electrodes via the switching elements. (See column 4 lines 5-17)

Shimada et al. fails to explicitly teach wherein at least one power supply line is comprised by a conductor with a conductive coating.

However, Bestel et al., in column 3 lines 14-22, teaches wherein any conductive area may be selectively coated with any plateable metal. Furthermore, Bestel et al. teaches that this method can be employed to selectively plate a line.

It would have been obvious to one of ordinary skill in the art to modify Shimada et al. in view of Bestel et al. teachings of any conductive area that may be selectively coated with any plateable metal. Shimada's et al. modification via Bestel's et al. teachings is obvious because this method can be employed to selectively plate a line.

Art Unit: 2813

## Claim 8

The method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Note that a "product by process" claim is directed to the product per se, no matter how actually made, *In re Hirao*, 190 USPQ 15 at 17 (footnote 3). See also *In re Brown*, 173 USPQ 685; *In re Luck*, 177 USPQ 523; *In re Fessmann*, 180 USPQ 324; *In re Avery*, 186 USPQ 161; *In re Wertheim*, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); *In re Marosi et al*, 218 USPQ 289; and particularly *In re Thorpe*, 227 USPQ 964, all of which make it clear that it is the patentability of the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that applicant has the burden of proof in such cases, as the above case law makes abundantly clear.

## Claim 9

Incorporating all arguments of Claim 7 and noting that Bestel et al. teaches a conductive coating comprised by Cu or Ag. (See column 3 lines 15-22)

## Claim 10

Incorporating all arguments of Claim 7 and noting that Shimada et al. teaches a signal line made from the same material as the gate electrode. (See column 7 lines 37-41)

Claim 11

Incorporating all arguments of Claim 7 and noting that Shimada et al. teaches wherein the switching elements are made from TFT's. (See column 4 lines 14-16)

Claim 12

Incorporating all arguments of Claim 7 and noting that Shimada et al teaches an active matrix with a plurality of pixels which could be incorporated in a electroluminescent device.

Claim 13

Shimada et al. teaches a plurality of pixels arranged in a matrix, each with a switching element and a light emitting element, a plurality of gate signal lines to electrically control the conduction state of the pixel electrodes via the switching elements and a plurality of source signal lines for supplying a data signal to the pixel electrodes via the switching elements. (See column 4 lines 5-17)

Shimada et al. fails to explicitly teach wherein at least one power supply line and at least one source signal line are comprised by a conductor with a conductive coating.



However, Bestel et al., in column 3 lines 14-22, teaches wherein any conductive area may be selectively coated with any plateable metal. Furthermore, Bestel et al. teaches that this method can be employed to selectively plate a line.

It would have been obvious to one of ordinary skill in the art to modify Shimada et al. in view of Bestel et al. teachings of any conductive area that may be selectively coated with any plateable metal. Shimada's et al. modification via Bestel's et al. teachings is obvious because this method can be employed to selectively plate a line.

#### Claim 14

Incorporating all arguments of Claim 13 and noting that Bestel et al. teaches a conductive coating formed by electroplating. (See column 3 lines 15-22)

#### Claim 15

Incorporating all arguments of Claim 13 and noting that Bestel et al. teaches a conductive coating comprised by Cu or Ag. (See column 3 lines 15-22)

#### Claim 16

The method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ

Art Unit: 2813

685; In re Luck, 177 USPQ 523; In re Fessmann, 180 USPQ 324; In re Avery, 186 USPQ 161; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Marosi et al, 218 USPQ 289; and particularly In re Thorpe, 227 USPQ 964, all of which make it clear that it is the patentability of the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that applicant has the burden of proof in such cases, as the above case law makes abundantly clear.

#### Claim 17

Incorporating all arguments of Claim 13 and noting that Shimada et al. teaches a signal line made from the same material as the gate electrode. (See column 7 lines 37-41)

#### Claim 18

The method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Fessmann, 180 USPQ 324; In re Avery, 186 USPQ 161; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Marosi et al, 218 USPQ 289; and particularly In re Thorpe, 227 USPQ 964,

all of which make it clear that it is the patentability of the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that applicant has the burden of proof in such cases, as the above case law makes abundantly clear.

#### Claim 19

Incorporating all arguments of Claim 13 and noting that Shimada et al. teaches wherein the switching elements are made from TFT's. (See column 4 lines 14-16)

#### Claim 20

Incorporating all arguments of Claim 13 and noting that Shimada et al teaches an active matrix with a plurality of pixels which could be incorporated in a electroluminescent device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Hogans whose telephone number is (703) 305-3361. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers

Art Unit: 2813

for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

*C. Chaudhari*

Chandra Chaudhari  
Primary Patent Examiner

dh *dh*  
September 5, 2002